

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HECTOR MELENDEZ,

Plaintiff,

-against-

COSAN CONSTRUCTION CORP., et al.,

Defendants.

21-cv-07426 (JLR) (BCM)

ORDER

JENNIFER L. ROCHON, United States District Judge:

On March 13, 2023, the parties in this action — brought pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.* — filed a stipulation of dismissal. ECF No. 33. The parties are reminded that, in most cases, settlements of claims under the FLSA must be approved by the Court. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015).

The stay in this case is lifted and, by separate Order today, the Court is referring this case to the designated Magistrate Judge for purposes of deciding whether to grant the expected settlement motion.


In addition, to conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, IT IS HEREBY ORDERED that the parties must discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before the Magistrate Judge. **If both parties consent** to proceed before the Magistrate Judge, they must, by **March 28, 2023**, file on the docket a fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form, a copy of which is attached to this Order (and also available at <https://www.nysd.uscourts.gov/node/754>). If the Court approves that form, all further proceedings will then be conducted before the Magistrate Judge

rather than before the undersigned. Any appeal would be taken directly to the United States Court of Appeals for the Second Circuit, as it would be from this Court if the consent form were not signed and so ordered. An information sheet on proceedings before magistrate judges is also attached to this Order.

If either party does not consent to conducting all further proceedings before the assigned Magistrate Judge, the parties must file a joint letter, by **March 28, 2023**, advising the Court that the parties do not consent, **but without disclosing the identity of the party or parties who do not consent**. There will be no adverse consequences if the parties do not consent to proceed before the Magistrate Judge.

Dated: March 15, 2023
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge